## South Salt Lake City Planning Commission Meeting July 2, 2020

## Sign In Sheet:

## **Commissioners Present:**

Jeremy Carter Laura Vernon Mary Anna Southey Stacey Holscher Susan Dickstein

## **Commissioners Absent:**

Christy Dahlberg Chad Ewell George Pechmann

## Staff Present:

Alexandra White, Community Development Director Sean Lewis, Deputy Community Development Director Taylor Greenwell, Planner Jeff Attermann, Planner Josh Collins, Deputy City Attorney

## **Community Members:**

Norm Kester, Applicant Brent Bateman, Applicant Attorney Ron Russell, Property Owner Attorney

## Planning Commission Regular Meeting Minutes Thursday, July 2, 2020 Meeting Conducted Remotely Time 7:00 p.m.

Commission Members Present:	Laura Vernon, Chair Jeremy Carter Susan Dickstein Stacey Holscher Mary Anne Southey
Staff Members Present:	Alexandra White, Community Development Director Sean Lewis, Deputy Comm. Dev. Director Taylor Greenwell, City Planner Jeff Atterman, City Planner Josh Collins, Deputy City Attorney
<b>Community Members:</b>	Norm Kester, Applicant Brent Bateman, Applicant Attorney Ron Russell, Property Owner Attorney
Commission Member Absent:	Christy Dahlberg Chad Ewell George Pechmann
NOTE: The meeting took place via Zoom.	
Chair Vernon read a statement from the Stat	te according to new State law.
Moment of Reflection:	There was no Moment of Reflection
Pledge of Allegiance:	There was no Pledge of Allegiance
APPROVAL OF AGENDA	
Motion to approve the Agenda, as written	1.
Motion:	<b>Commissioner Southey</b>
Second:	Commissioner Holscher
Vote:	Unanimous

## **PLANNING COMMISSION BUSINESS**

## **Election of a Planning Commission Chair for 2020.**

Community Development Director, Alexandra White, stated that the above item usually takes place in January but was delayed due to COVID-19. Instruction was given on how the Commission determines a 2020 Planning Commission Chair.

Commissioner Carter asked if anyone in the Commission would like to be nominated.

Chair Vernon stated that she was willing to continue to serve as Chair.

Commissioner Southey nominated Commissioner Laura Vernon to continue as Chair.

There were no further nominations.

Second:	None.

Vote: Unanimous.

## **NEW BUSINESS**

- Public Hearing.
- 1. Notice of Public Hearing and Possible Recommendation for Council Consideration of an Ordinance of the City of South Salt Lake City Council Amending Chapter 17.03 to Include and Establish a New Temporary Transitional Beneficial Use ("TTBU") Overlay District, Creating New Section 17.03.260, and Amending the Zoning Map to Include the Newly Established TTBU Overlay District.

#### Action Item

**Applicant:** Strong Design, LLC

Ms. White presented the staff report and stated that the applicant approached the City in 2019 with the desire to operate a used car dealership at 2354 South State Street, which is approximately 1.7 acres in size. This is a single owner property that consists of seven parcels. The property was identified on a map displayed.

Strong Design is the tenant of the property and has a long-term lease with the existing owner. The existing property is part of the Downtown District and is located in the mixed-use district of the City's Downtown Code.

When the Planning Commission and City Council adopted the Downtown Code, the vision was for a high-density mixed-use neighborhood that would undergo large scale re-development over time.

Ms. White described the purpose of the Temporary Transitional Beneficial Use ("TTBU") Overlay District.

The applicant was proposing to use the existing structures on the site and the primary use will be a used car dealership. The TTBU will be a two-year term that will expire after two years. It will allow the applicant to sell used cars on the site as well as ancillary uses such as detailing, repair, and inspection within the building.

The proposed Code includes standards to address issues of environmental design. This is a unique approach and has not been done in the City previously. Therefore, the way the ordinance is crafted would apply to this property and this specific business only as a pilot project, allowing the City to evaluate any outcomes. After the time period has expired, the zoning will revert to the previous zoning and does not allow any non-conforming use to be established through this process.

There were no improvements proposed with the above item. Because it is temporary with the purpose of re-development for the future on the site, there was no need to have the applicant make a large investment in the property. There are two monopoles, or pole signs, on the property, which are abandoned and need to be removed due to the City's existing ordinance. The existing landscaping was to remain as-is. The applicant will be required to provide maintenance.

For the above item, the Planning Commission should consider the merits of this rezone request. The Commission has the option to approve, deny, or continue the above item. The Commission is the recommending body to the City Council. The City Council will be the final Land Use Authority on this type of application. As part of the consideration, the Commission should review the General Plan, which has goals listed that regulate these types of requests. Ms. White reviewed the goals LU-1, LU-13 and ES-4 in the General Plan. The site plan was identified on a map displayed.

Commissioner Carter asked if the above item is a form of spot zoning. Ms. White explained that it is similar to the pilot projects created by staff. Commissioner Carter asked what the process will be if the tenant desires to continue their business at the end of the two-year period. Ms. White reported that there is a contractual agreement with the applicant who will address pertinent questions.

Chair Vernon asked if the applicant explained the benefit the above item will be to the City. Ms. White stated that the applicant has provided tax information and that the property is currently not being utilized at its highest and best use. The City is not receiving a significant amount of tax revenue and has the potential for more with the above item. Chair Vernon asked if there are any other pending or potential applications for this site. Ms. White reported that there are not and that the property owner is considering all options.

Brent Bateman, from the law firm of Durham Jones & Pinegar, was present on behalf of the applicant. He acknowledged that this has been a difficult situation and has taken a significant amount of effort to create something beneficial for his client and the City. The above item has resulted in a very cooperative process. Mr. Bateman reported that a contract was agreed upon and his client considers himself legally bound by it. The contract as stated will run for up to two years. If a better opportunity presents itself before the end of the two years, his client can accept it. The temporary

zoning is transitional in nature and will allow for better use of the property until the City's plan comes to fruition.

Mr. Bateman's client currently has a five-year lease on the property, however, the landlord has agreed to a two-year lease based on the City's approval. Mr. Bateman reported that the removal of the poles on the property is not in the original agreement because the landlord feels the poles are valuable. His client has contractually agreed to source the taxes for all sales and service to South Salt Lake City to put the property to use. It was important to the City that no cars be parked in the parking lot overnight. This was agreed to but hampers his client's ability to use the property to the fullest use as a car dealership. Mr. Bateman asked that the Commission reconsider this requirement.

Ms. White clarified that the contract does not obligate any Commission or City Council Member to a specific vote. If the Commission and Council choose to move forward, the contract would prove to be valid. The contract will be void if the above item is denied. It was noted that the conditions outlined in the ordinance are nonnegotiable.

Chair Vernon asked if the above item includes the removal of the poles. Ms. White confirmed that this was the case. Chair Vernon asked what the process would be if the applicant does not agree to remove them. Ms. White explained that the applicant would need to reach a solution with the property owner. Mr. Bateman stated that if his client cannot meet the requirement of removing the poles, they will not be able to occupy the property. He disagreed with Ms. White concerning the authority of the Council, indicating that there is flexibility if the Council chooses to use it.

Chair Vernon asked why the client entered into a lease knowing that the proposed use is not desirable in the City and not within the General Plan and zone. Mr. Bateman responded that his client made an error and takes responsibility for it; however, the City has a problem with the property continuing to remain vacant.

Chair Vernon opened the public hearing.

Ron Russell, an attorney for Parr Brown Gee & Loveless, was present representing the owner of the property Edison Way, LLC. With regard to the pole signs, the owner was concerned that the site will become a different use in two years. He has made an effort to find a different use for the property consistent with the General Plan and the zone but has struggled during the COVID-19 pandemic. The poles will be removed with any change in use but taking them down comes at a significant cost. The owner does not want to go to the expense when the use is going to change and as a result of the inconvenient timing of the pandemic. Mr. Russell reported that the owner supports the tenant's ability to use the site to show cars and agreed with Mr. Bateman that restricting the ability to place cars on the site will hamper the usability of the site.

Chair Vernon asked how many cars can be on the property. The applicant, Norm Kester, reported that there will be 50 to 60 cars on the property. He agreed with Mr. Bateman and Mr. Russell that having the ability to only place cars inside and off the lot will be a challenge to the business. Approving the above item will protect the property due to homeless people sleeping on the property and others utilizing the property inappropriately.

There were no further questions. Chair Vernon closed the public hearing.

Commissioner Southey was grateful that all of the parties involved have been trying to agree so the City can generate revenue during this difficult time. She asked why the City does not allow cars to be parked overnight outside on the property. Ms. White responded that the Downtown Code does not allow any type of auto use. The purpose of the Downtown Code is to move away from any auto use and is appropriate during the two-year period. The facility has a fenced-in area for the vehicles to be stored.

Commissioner Holscher asked if a recommendation can be made to the Council if the poles remain on the property and the applicant does not want to remove them. Ms. White reported that the Commission is the recommending body and can make a recommendation to the City Council.

Commissioner Carter commented that it does not make sense to have an auto lot with cars stored inside where the public cannot see them. This will hurt the potential for tax revenue. The Commission needs to determine if the vehicles will be allowed to remain on the lot or if the above matter should not be approved.

Chair Vernon was concerned about approving the above item because the City has made significant efforts to move away from this type of business in the downtown area and approving it will cause confusion. Alternatively, the dealership will fit in the area. Chair Vernon was not concerned about whether the sign poles are removed now or in two years. She appreciated the City's efforts to make the temporary use palatable and somewhat aesthetically pleasing.

Commissioner Southey concurred with Chair Vernon but prefers the poles be removed now since the City is moving in that direction. Approving a dealership will be confusing to residents, however, this is a compromise that will generate revenue.

Commissioner Carter agreed but indicated that the phrase, "something is better than nothing" is not always true. If the above item is not the right business for this property, the Commission should make efforts to allow the right business there.

Procedural issues were discussed.

Motion to DENY the Recommendation for Council Consideration of an Ordinance of the City of South Salt Lake City Council Amending Chapter 17.03 to Include and Establish a New Temporary Transitional Beneficial Use ("TTBU") Overlay District, Creating New Section 17.03.260, and Amending the Zoning Map to Include the Newly Established TTBU Overlay District.

Motion: Commissioner Carter

Second: Commissioner Dickstein

Vote:	Unanimous.
CONTINUING BUSINESS	
There was no Continuing Business.	
PLANNING COMMISSION BUSINESS	<u>1</u>
There was no Planning Commission Busine	ess.
STAFF BUSINESS – INFORMATION I	<u>TEMS</u>
There was no Staff Business.	
<u>ADJOURNMENT</u>	
Motion to Adjourn:	<b>Commissioner Southey</b>
Second:	Commissioner Holscher
Vote:	Unanimous
The Planning Commission Meeting adjourn	ned at approximately 7:47 p.m.
	For Planning Commission
Planning Division Manager	



MEETING DATE: July 2, 2020

REQUEST: OA-20-002 –

NOTICE OF PUBLIC HEARING AND POSSIBLE RECOMMENDATION FOR COUNCIL CONSIDERATION OF AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 17.03 TO INCLUDE AND ESTABLISH A NEW TEMPORARY TRANSITIONAL BENEFICIAL USE (TTBU) OVERLAY DISTRICT, CREATING NEW SECTION 17.03.260, AND AMENDING THE ZONING MAP TO INCLUDE THE NEWLY ESTABLISHED TTBU OVERLAY

DISTRICT.

APPLICANT: Strong Design, LLC

## **SYNOPSIS:**

Since 2019, the Applicant has expressed interest in operating a used car dealership at the Property—a use not currently allowed at the Property under existing zoning. The Property is located in the City's Mixed-Use Subdistrict of the Downtown District, a portion of the City that has been planned for high-density and high intensity redevelopment. The Applicant has applied for a zone change to allow a used car dealership at the Property for a brief period to utilize the vacant site prior to more extensive redevelopment. In order to avoid undermining the vision and planning of the Downtown District, Staff has drafted a unique temporary overlay district framework that would allow the City to evaluate the concept of facilitating transitional uses that expire after a fixed time period. The proposed Temporary Transitional Beneficial Use (TTBU) Overlay District would allow for an interim beneficial use of the Property, without hampering the long-term redevelopment potential of the Property.

The proposed TTBU Overlay District would allow the use of the Property and its existing structures for a used car dealership, subject to various conditions, for up to two years. In addition to the sale of used cars the proposed TTBU Overlay District would also permit accessory components typical of a car dealership, such as detailing, repair, and inspection. Additionally, to prevent crime, the TTBU Overlay District would require all vehicles to be stored indoors or within the exiting fenced area, outside of operating hours.

The Planning Commission is the recommending body to the City Council for this rezone application. Staff recommends that the Planning Commission consider the merits of the requested zone change. Staff does not believe that rezoning the Property located at 2354 South State Street to the TTBU Overlay District will have detrimental impacts to the City or surrounding properties. Staff notes that this temporary overlay framework should not be used for any additional projects until after the expiration of the TTBU Overlay District and this approach has been evaluated.

#### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the merits of the requested zone change. Staff does not believe that rezoning the Property located at 2354 South State Street to the TTBU Overlay District will have detrimental impacts to the City or surrounding properties. Staff notes that this temporary overlay framework should not be used for any additional projects until after the expiration of the TTBU Overlay District and the approach has been evaluated.

## **GENERAL INFORMATION:**

Location: 2354 South State Street

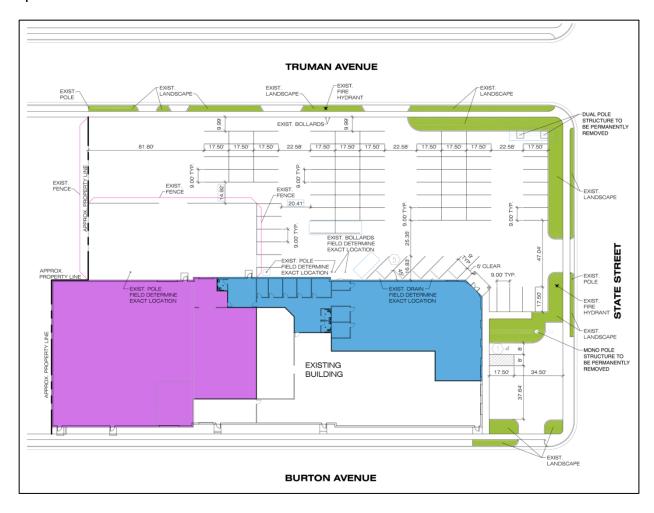
Proposed Project Size: 1.734 Acres (seven parcels, single owner)

## **Surrounding Existing Land Uses:**

North: Tesla Car Dealership South: Arctic Spas Retail Store West: Single-Family Residential

East: Salt Lake Valley Chrysler, Dodge, Jeep, Ram Dealership

## Proposed Site Plan: \*\*\*attached in full size\*\*\*



## Street Views:



Figure 1: Property looking West from State St. circa May 2019



Figure 2: Property looking North from E. Burton Ave. circa May 2016



Figure 1: Property looking South from Truman Ave. near State St. circa July 2015



Figure 2: Property looking South from Truman Ave. near West boundary circa July 2015

## **REQUIREMENTS:**

17.11.010(K) – Responsibilities.

- 1. The Planning Commission makes recommendations to the City Council for:
  - a. The general plan and amendments to the general plan;
  - b. The Land Use Map, and amendments to the Land Use Map;
  - c. Amendments to land use ordinances;
  - **d.** Proposed Application processes and the delegation of power under the land use ordinance.

## **GENERAL PLAN CONSIDERATIONS:**

**Goal LU-1**. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Goal LU-13/ ES-4. Redevelopment of property should be actively pursued and incentives, when deemed appropriate, should be offered to further this goal.

#### **STAFF ANALYSIS:**

Staff directs the Planning Commission's attention to the attached proposed TTBU Overlay District; this draft zoning will regulate the interim use of the Property—a currently vacant 1.734-acre site on State Street—as a car dealership for the next two years. The TTBU Overlay District has been drafted to eliminate any non-conforming use rights related to a car dealership after the term of the TTBU Overlay District, should it be passed by the City Council.

The TTBU Overlay District regulations require the Applicant to improve the site's aesthetics by removing the abandoned monopole and dual-pole structures along the Property's eastern and northern boundaries, respectively. See proposed Site Plan above. New signage will be allowed during the term of the TTBU Overlay District on existing façades, consistent with pending City regulations for Wall Signs. The Property will also be allowed a Monument Sign during the term of the overlay district, consistent with pending City sign regulations.

There is sufficient area onsite and identified in the proposed Site Plan to accommodate parking for the uses allowed under the TTBU Overlay District, consistent with 17.06.160 (A) table requirements: "1 stall for every 20 vehicles displayed with a maximum of 15 stalls. A minimum of three employee Parking Stalls provided. Off-Street customer and employee Parking Stalls shall be identified." The Applicant will coordinate customer and inventory parking consistent with the proposed Site Plan, TTBU Overlay District's regulations, and these parking requirements. Outside of operating hours, all vehicles will be stored inside the existing structures or with the preexisting fenced area. See Figs. 3 & 4 above.

The landscaping will conform to the proposed Site Plan. Because comprehensive redevelopment is welcomed, the TTBU Overlay District addresses Applicant's entitlement to utilize the commercial landscape elements currently present onsite and without upgrading these landscape elements to meet other Code requirements. Requiring upgraded landscaping at this point could be wasteful if

the Property is redeveloped shortly after the end of the term of the TTBU Overlay District. The Property is subject to standard CPTED requirements in the Code.

Applicant has also provided a sales tax analysis for the prospective car dealership; it is attached to this Staff Report for reference.

## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission consider the merits of the requested zone change. Staff does not believe that rezoning the Property located at 2354 South State Street to the TTBU Overlay District will have detrimental impacts to the City or surrounding properties. Staff notes that this temporary overlay framework should not be used for any additional projects until after the expiration of the TTBU Overlay District and the approach has been evaluated.

## **Attachments:**

Draft TTBU Overlay District Ordinance Applicant's Proposed Site Plan

ORDINANCE NO. 2020-
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AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 17.03 TO INCLUDE AND ESTABLISH A NEW TEMPORARY TRANSITIONAL BENEFICIAL USE (TTBU) OVERLAY DISTRICT, CREATING NEW SECTION 17.03.260, AND AMENDING THE ZONING MAP TO INCLUDE THE NEWLY ESTABLISHED TTBU OVERLAY DISTRICT.

WHEREAS, the City is authorized by law to enact ordinances establishing regulations for land use; and

WHEREAS, Strong Design, LLC and Edison Way, LLC have collaborated to request a pilot project on a portion of State Street frontage between Burton Avenue and Truman Avenue, to authorize a very temporary, transitional, beneficial use of their property to generate sales tax for the City of South Salt Lake for up to two years, in a manner that will encourage near term re-development of the property in accordance with the provisions of the Downtown District Code;

**WHEREAS**, on\_\_\_\_\_\_, 2020, the Planning Commission held a legally notified public hearing to consider a proposed zoning map amendment and amendments to two chapters of the City's land use regulations to establish a pilot project overlay district to facilitate temporary, interim development of a one-half acre parcel located in the Mixed-Use Subdistrict of the Downtown District;

**WHEREAS**, the Planning Commission found that the proposed pilot program framework would enable the interim development of a Strong Audi Car Dealership within the Downtown District of the City—compatible with a short-term lease of the property to the Strong Design, LLC—and recommended City Council approval;

**WHEREAS**, the City Council finds that these amendments support the City's General Plan goals for (1) regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility, (2) enhancing the quality of life in the City by improving the community's appearance, safety, education, positive outlook, gathering places, and positive momentum, and (3) actively pursuing redevelopment of property;

WHEREAS, the City Council finds that the recommended amendments, revisions, and insertions will facilitate desirable development and use of land within the City and will incentivize and encourage Edison Way LLC and Strong Design, LCC to temporarily put the property to beneficial use while incentivizing redevelopment of the property as soon as the 2-year pilot project has expired;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I: Amend Chapter 17.03 to include and establish a new Temporary Transitional Beneficial Use (TTBU) Overlay District, as follows:

#### 17.03.010 - Land Use Matrix.

- **A.** Any Use not specifically permitted or conditionally permitted in this Land Use Matrix is prohibited. Only the following Uses are allowed:
  - 1. Uses indicated by the letter "P" below are Permitted Uses only where designated.
  - 2. Uses indicated by the letter "C" are Conditional Uses only where designated.
- **B.** All Permitted Uses are subject to the general and specific standards, as applicable, contained in Section 17.04, as well as the regulations of each particular zoning district where permitted.

**C.** All Conditional Uses are subject to the general and specific standards, as applicable, contained in Section 17.05, as well as the regulations of each particular zoning district where conditional.

Land Use Categories	<u>1TBU</u>
Adult Daycare	
Alcoholic Beverage, Banquet and Catering	
Alcoholic Beverage, Bar Establishment	
Alcoholic Beverage, Beer Recreational	
Alcoholic Beverage, Beer Wholesaler	
Alcoholic Beverage, Hotel	
Alcoholic Beverage, Liquor Warehouse	
Alcoholic Beverage, Local Industry Representative	
Alcoholic Beverage, Manufacturer	
Alcoholic Beverage, Off-Premise Beer	
Alcoholic Beverage, Package Agency	
Alcoholic Beverage, Reception Center	
Alcoholic Beverage, Restaurant (Beer Only)	
Alcoholic Beverage, Restaurant (Limited Service)	

Alcoholic Beverage,	
Restaurant (Full	
Service)	
Jet vice)	
Alcoholic Beverage,	
Special Use	
(Educational)	
Alcoholic Beverage,	
Special Use	
(Industrial /	
Manufacturing)	
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Alcoholic Beverage,	
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(Scientific)	
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(Religious)	
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Alcoholic Beverage,	
Tavern	
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Alcoholic Beverage,	
State Liquor Store	
All-Terrain Vehicle	
(ATV), Motorcycle,	
Personal	
Watercraft (PWC),	
Snowmobile Sales	
and Service	
and service	
Amusement Device	
Animal Hospital /	
Veterinary Office	
(Small Animal)	
(56.174111161)	
Animal Kennel /	
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Day Care,	
Commercial	
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Art Gallery	
Art Studio	
Assisted Living	
Facility	
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ATM, Kiosk,	
Vending Machine	
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(Self-Service,	
Interactive,	
Outdoors)	
Auction House	
Adetion House	
Auto, Light Truck,	
RV, Boat, Trailer	
Dealerships (Sale,	<u>P</u>
Lease, or Rent)	
Auto Auction	
Auto Auction	
Auto Body Repair	
Automotive	
Restoration	
Automotive Service	
and Repair	
Automotive Service	
Station (Non-	
,	
Mechanical)	
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Bail Bonds	
Bakery,	
Commoraial	
Commercial	
Commercial	
Bakery,	
Bakery, Neighborhood	
Bakery, Neighborhood Barber Shop / Hair	
Bakery, Neighborhood	
Bakery, Neighborhood Barber Shop / Hair Salon	
Bakery, Neighborhood  Barber Shop / Hair Salon  Blood / Plasma	
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Bakery, Neighborhood  Barber Shop / Hair Salon  Blood / Plasma Donation Center  Bowling Alley  Car Wash  Child Care Center	
Bakery, Neighborhood  Barber Shop / Hair Salon  Blood / Plasma Donation Center  Bowling Alley  Car Wash	

City Park	
Commercial Repair	
Services	
Convenience Store	
with Fuel Pumps	
Crematory /	
Embalming Facility	
Day Spa	
Day Treatment	
Center	
Drive-Up Window	
Dry Cleaning /	
Laundromat	
Dwelling, Live /	
Work	
Dwelling, Multi-	
Family	
Dwelling, Single-	
Family	
Dwelling,	
Townhome	
Education, After	
School (Children)	
Education,	
Elementary or	
Secondary	
Education, Higher	
(Public)	
Education,	
Preschool	
Education,	
Technical	
Employment	
Agency /	
Temporary Staffing	
Equestrian Facility	
Equipment Sales,	
Service, and Rental	
(Heavy and Farm)	

Escort Service	
Farmers Market	
Financial Institution	
Fitness Center	
Food Truck / Food Trailer	
Food Processing (Large-Scale)	
Food Processing (Small-Scale)	
Food Truck Park	
Funeral / Mortuary Home	
Grooming Services (Pets)	
Haunted House	
Home Occupation, Category I	
Home Occupation, Category II	
Homeless Shelter	
Horticulture / Produce Sales	
Hospital, Specialty	
Hotel	
Hotel, Extended- Stay	
Impound and Tow Lot	
Jail	
Juvenile Detention Facility	
Library	

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Maintenance	
Facility, Vehicle /	
Transit	
Manufactured	
Home Park	
Manufacturing,	
Major	
Manufacturing,	
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Massage Therapy	
Medical, Dental,	
Health Care Office	
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Motel	
Movie Studio /	
Sound Stage	
Museum	
Nature Center	
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Non-Depository	
Institution	
Nursery,	
Commercial	
Nursing Home	
Office, Professional	
<u> </u>	
Park and Ride	
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Parking Structure	
Pawn Shop	
Permanent	
Supportive Housing	
Pharmacy	
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Place of Worship	
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Dortoble Contrib	
Portable Container	
Doulton, Unbarr	
Poultry, Urban	
1	

Precious Metal Recycling	
Printing, Large- Scale	
Protective Housing	
Public Utility Facility	
Recreation Center	
Recycling Collection / Drop- Off Facility	
Rehabilitation Center	
Restaurant	

Retail, Accessory	
Retail, General	
Retail, Neighborhood	
Secondhand Merchandise Dealer	
Sexually Oriented Business	
Slaughterhouse / Animal Processing	
Storage Facility, Indoor	
Storage Facility, Outdoor	

Storage Facility, Warehouse	
Tattoo Shop / Parlor	
Temporary Use	
Theater, Live Performance	
Theater, Movie	
Tobacco Shop	
Transitional Care and Rehabilitation	
Transitional Housing	
Upholstery Shop / Tailoring Shop	

## SECTION II: Add new Section 17.03.260 to create the TTBU Overlay District, as follows:

## <u>17.03.260 – Temporary Transitional Beneficial Use (TTBU) Overlay District.</u>

- A. Purpose. The Temporary Transitional Beneficial Use (TTBU) Overlay District provides

  Development standards to facilitate the short-term operation of an otherwise prohibited land use, during an economic recession, without disincentivizing redevelopment that is consistent with underlying master planned land use regulations.
- **B.** Establishment. The TTBU Overlay District is established to:
  - 1. allow a short-term beneficial use of vacant property;
  - 2. stimulate business activity within and generate short-term tax revenues for the City;
  - **3.** accomplish beneficial site beautification; and
  - **4.** simultaneously encourage more beneficial redevelopment in the City.

## C. Applicability.

- 1. <u>Unless otherwise provided herein, any Development or Change of Use within the TTBU Overlay District shall comply with all applicable provisions of the City Code.</u>
- 2. No person shall obtain any right to use the property within the TTBU Overlay District as a car dealership, after the expiration of the district.
- 3. By applying for a zone change to the TTBU Overlay District, the Applicant, property Owner, lessee, or any successor in interest expressly waives any claim to status as a Nonconforming Use under the provisions of the TTBU Overlay District.
- **4.** No rights—including the right to operate as a Nonconforming Use—shall be created under the TTBU Overlay District following the expiration of the Overlay District.
- **D.** <u>Uses.</u> A single car dealership shall be the only Primary Use allowed in the TTBU Overlay District. No RVs, boats, or trailers shall be sold, leased, or rented within the TTBU Overlay District. The

<u>car dealership Use shall include new and/or used car sales and may include any of the following Accessory Uses:</u>

- 1. reconditioning, detailing, and/or preparing used cars;
- **2.** <u>new car pre-delivery inspections;</u>
- **3.** car cleaning and repair; and
- **4.** other uses typical of a car dealership.

#### E. Standards.

- 1. Operator/manager. The site shall be operated and managed by a single operating/managing entity for the duration of the term of the TTBU Overlay District.
- 2. No entity other than the original Applicant may be substituted for the operating/managing entity. Any Change in Ownership of the Applicant, as defined in Title 5 of this Code, or substitution of the operating/managing entity shall immediately trigger expiration of the TTBU Overlay District and require cessation and removal of the car dealership Use(s).
- **3.** The site shall be configured as depicted in Figure 1, below:

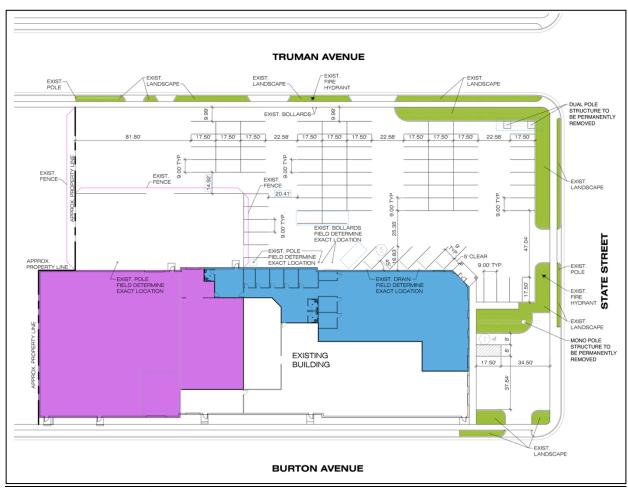


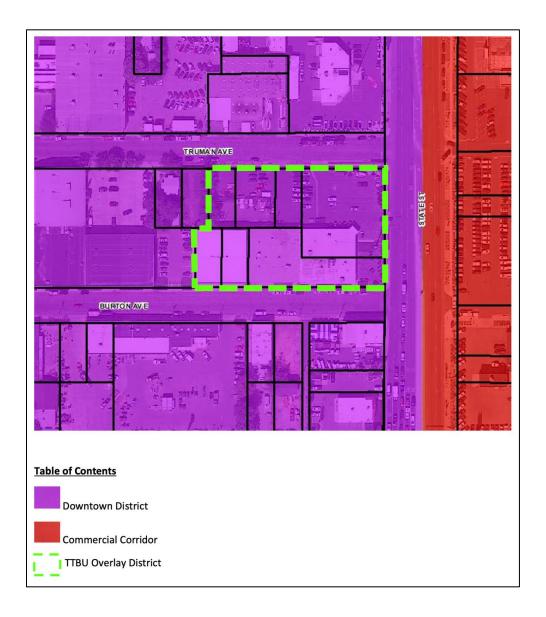
Figure 1: Project Site Plan

## 4. Operations.

a. The site may operate for a maximum of fifteen (15) hours per day.

- **b.** All vehicles shall be stored indoors or within the preexisting fenced area outside of operating hours.
- **c.** All sales and services shall be sourced for sales tax purposes to South Salt Lake City.
- **F.** <u>Design and Construction.</u> The following Landscape and Signage requirements apply to the site:
  - 1. All signage must conform to the pending sign code ordinance.
  - 2. The Landscape Plan shall conform to the site plan detailed in Subsection 17.03.260(E)(3)(a) of this Code and, specifically, requires removal of the abandoned monopole and dual-pole structures as designated for removal on the site plan.
- **G.** Term. The TTBU Overlay District shall expire two (2) years from July , 2020 and shall not confer non-conforming use status for any use authorized in the Overlay District beyond the expiration of Overlay District term.

**SECTION III. Amend the Zoning Map to include the newly established TTBU Overlay District**, as follows:



**SECTION VII. Severability**. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION VIII. Conflict with Existing Ordinances, Resolutions, or Policies**. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

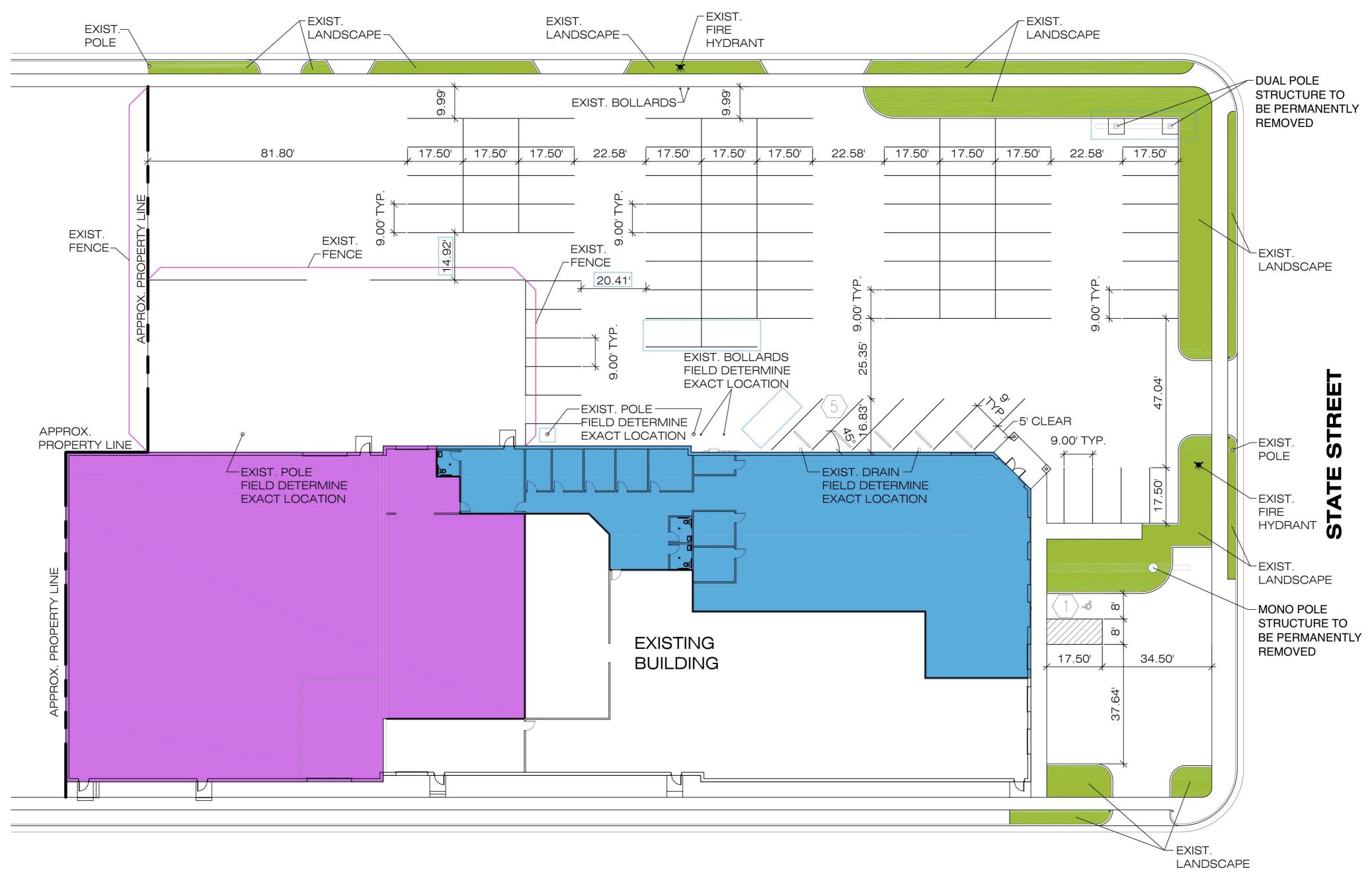
**SECTION IX.** Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this \_\_\_\_\_day of June 2020.

	BY THE CITY COUNCIL:	
	Sharla Bynum, Council Chair	
ATTEST:		
Craig D. Burton, City Recorder		
City Council Vote as Recorded:  Bynum  deWolfe  Huff  Mila  Pinkney  Siwik  Thomas		
Transmitted to the Mayor's office on this	day of	2020.
Craig D. Burton, City Recorder	-	
MAYOR'S ACTION:		

Dated this	day of	, 2020.
		Cherie Wood, Mayor
ATTEST:		
		<del>_</del>
Craig D. Burton, City Record	er	

# TRUMAN AVENUE



**BURTON AVENUE** 



# SAMUEL J. BRADY

ARCHITECTS

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NOTE: THIS DRAWING IS PROVIDED FOR TENANT APPROVAL OF THE SPACE NOTED AND IS NOT FOR CONSTRUCTION. ACTUAL SITE DIMENSIONS COULD VARY.

2354 SOUTH STATE STREET

SALT LAKE CITY, UT

SITE PLAN

PAPER SIZE (11X17)SCALE: 1" = 40'-0"

PAPER SIZE (24X36)SCALE: 1" = 20'-0"

NOVEMBER 20, 2019 1959301SG.dwg



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